

SPEECH

OF

MR. SPRAGUE,

ON

THE REMOVAL OF THE DEPOSITES;

DELIVERED

In the Senate of the United States, January, 1834.

WASHINGTON:

PRINTED BY GALES AND SEATON.

1834.

Digitized by the Internet Archive
in 2018 with funding from

This project is made possible by a grant from the Institute of Museum and Library Services as administered by the Pennsylvania Department of Education through the Office of Commonwealth Libraries

SPEECH.

The Senate having under consideration the report of the Secretary of the Treasury, laying before Congress his reasons for removing the Public Deposites from the Bank of the United States, and the following resolutions, submitted by Mr. Clay:

1. *Resolved*, That, by dismissing the late Secretary of the Treasury because he would not, contrary to his sense of his own duty, remove the money of the United States in deposite with the Bank of the United States and its branches, in conformity with the President's opinion; and by appointing his successor to effect such removal, which has been done, the President has assumed the exercise of a power over the Treasury of the United States not granted to him by the constitution and laws, and dangerous to the liberties of the people.

2. *Resolved*, That the reasons assigned by the Secretary of the Treasury for the removal of the money of the United States, deposited in the Bank of the United States and its branches, communicated to Congress on the 3d day of December, 1833, are unsatisfactory and insufficient.

Mr. SPRAGUE addressed the Senate as follows:

Mr. President: It is in vain that gentlemen attempt to escape from the issue now presented. It is in vain that they endeavor to make it a question of the renewal of the charter of the Bank. The Senator from Georgia [Mr. FORSYTH] commenced with that declaration, and proceeded in his own speech conclusively to disprove it, by declaring himself in favor of a renewal of the charter, and arguing long and eloquently in support of the removal of the deposites. It is not a question of the renewal of the charter; it is not a question of the restoration of the deposites; for any one may vote against both, and yet condemn this new stretch of Executive power. It is a broad and fundamental question of the distribution of the powers of this Government among its co-ordinate branches; a question in which, as Mr. Jefferson has profoundly remarked, is involved the existence and preservation of liberty.

What has been done? The act which more immediately gives rise to this discussion is called "the removal of the deposites;" a name, which, to most minds, carries a very inadequate idea of the thing. Permit me briefly to describe it. The Congress of the United States, the supreme legislative power of the nation, created an artificial person for the sole purpose of constituting and continuing it *the fiscal agent of Government*; they having no power, and pretending to no right, to bring it into existence, or continue its being for any other object. This agency was to consist in its receiving, retaining, and distributing the public moneys, and regulating, by its influence and connexion with the Government, the currency of the country. *The Executive has removed this agent from office, and appointed another in his*

stead. The former was created, guided, regulated, controlled, restrained, and governed by *known and fixed laws*; subject to visitation by committees of Congress; bound to make frequent reports which Congress could reach; and liable to have its existence terminated upon process to be ordered by Congress, if it should transcend the law of its being. The latter is *the mere creature of Executive will*; appointed by him to do what he commands, to abstain from what he forbids; removable by him, governed by no law but his pleasure; subject to no visitation by Congress; bound by no statute to make any returns or expositions of its doings. This agent, so appointed, is to have in its possession the average amount of six millions of public money, to be used or loaned at pleasure, for its own benefit; is to receive and disburse annually more than twenty millions of the public revenue; to have the use of its notes indefinitely increased, by constituting them the circulating medium of the country, so far as the influence of the Treasury can accomplish that purpose. The treasure and strength thus acquired, and the banking capital upon which it is engrafted, may be dispensed in purchases and disbursements, in loans and discounts, in facilities, accommodations, and indulgences to friends and partisans, to contractors or officers, to central committees or separate agents, for speculation and stock-jobbing; or to swell *political funds*, direct *political action*, and consolidate and enlarge *political influence*.

This fiscal agency is indispensable. It may change forms, but it is incapable of annihilation. It is inherent and co-exists with civilized communities; without it, our Government never has had, and never can have life, motion, or being. It is represented as a dangerous, a terrific power. Shall it be under the control of Congress, limited, restrained, and surrounded by fixed *laws*? or shall it be left to the sole, unguided, ungoverned, undefined will of ONE MAN? Its union with banking capital has conjured up in the friends of the administration the most terrific images of terror and alarm, even when bound down by fixed legislation, and in the keeping of Congress; have they no fears when it is united with three times as much banking capital, under the sole control, and at the mere arbitrary will of *one man*? This great and alarming power is now to be added to what, in all free Governments, in all ages, has been the most dangerous and alarming of all powers—a single Executive chief. This great monopoly, as it is called, is to be united with the greatest of all monopolies in human society—a single Executive. The Bank of the United States has been represented by all sorts of hideous metaphors and comparisons. It is a mammoth—a wild beast to be slain, lest it should rend us in pieces, although encaged and chained by the bolts and bars of law; and in its stead the *President* is to let loose upon us a whole caravan of wild beasts ready to flesh their teeth in any victim; and of which *he* is to be the sole keeper. It is unconstitutional for *Congress* to have one bank, but not for the *President* to affiliate, adopt, and control a hundred!

This measure, momentous as it is in itself, is of still more portentous import when viewed in its connexion as part of a system, as the last only of a series of acts all running in the same direction, swelling the same current of patronage, and accumulating power in one great and all-absorbing reservoir. It was not the tea tax merely against which our fathers took up arms. Read the Declaration of Independence—it is not even mentioned as one of the causes of the Revolution. It was the form only in which a principle was embodied; the last of a train of measures for establishing unlimited dominion.

The gentleman from Virginia [Mr. RIVES] compelled, by the overwhelming testimony which is borne upon every breeze, to admit that there is wide spread distress in the community, warned us not to mistake the symptoms for the disease. His advice is wise and scientific; for when a limb is convulsed from internal agony, to tie it down and keep it motionless can yield no relief. What then is the disease? The gentleman thinks it is found in that newly discovered source of all the ills that flesh is heir to, that "*monstrum horrendum ingens, informe*," the United States Bank.

Sir, there is a much deeper, more inveterate, and all-pervading disease; one which is felt in every fibre, and distorts every feature of the body politic; which penetrates the walls of this Capitol, and even here, mingles in our debates, and infects our legislation; which, like the insect curses of Egypt, enters even our dwellings, our bed-chambers, and our kneading troughs, poisoning the very atmosphere with a political miasma—it is the disease of **PRE-SIDENT-MAKING**.

And this has a cause—a deep, abiding, growing, aggravating cause.

Why is it that the experience of mankind has pronounced an elective monarchy the worst form of Government on earth? Is it not that a crown is too splendid a prize to be won or lost by peaceful contests of elections? And is not the Presidency becoming so brilliant an object as to dazzle the eyes of aspirants, and its patronage so powerful a stimulant as to inflame, nay, to infuriate the passions of friends and partisans? Does not the successful candidate and all his official dependants, from the first moment of his investiture with the robes of office, look to the succession? Are not the political elements constantly agitated? The lashing waves are not permitted to subside, before another storm lowers in the horizon. And is there not danger that contest will succeed contest, convulsion follow convulsion, until the *people*, the honest, single-hearted, disinterested *people*, disgusted and exhausted by the endless repetition of fruitless conflicts, will retire from the arena, and leave the great machine of Government in the hands of needy, hungry, and profligate political adventurers? Is there not danger, when the all-pervading disease is becoming more and more inveterate, when the importance and the patronage of the Chief Magistrate is rapidly increasing? From the birthday of our constitution the march of Executive power has been onward. The course of *legislative action* has often been arrested; *judicial decisions* have been questioned and denied; but the enlargement of *Executive prerogative* has never been stayed. No power which it has once exercised, no claim of power once advanced, has ever been yielded or wrested from its grasp. Its precedents are tracks to the lion's den, from which there are no returning traces. Do you want proof? The examples are before us even in this debate. The gentleman from Virginia [Mr. RIVES] held up the decision of 1789, in favor of a constructive power of removal from office in the President, as conclusive authority, at the moment he was denying any weight to the decision of 1791, in favor of the right of Congress to incorporate a bank. And what renders it not the less remarkable is, that the first, giving constructive Executive power, was made by the casting vote of the then Vice President, the elder Adams, to whose political opinions the gentleman accords so little deference as to the rights of other co-ordinate branches. He cited Mr. Madison's example when it tended to countenance the prerogative of the President to arrest the legislation of Congress, but denied the same authority when it sustained the right of the National Legislature in relation to this very charter, which was approved by that great man himself.

Let us look at things as they exist. Was there ever a period when the United States' Government was as strong as now?—when there was so little ability in the States, or other extrinsic bodies, to withstand the united co-operating action of all its departments? Ask the most zealous devoted friend of State rights, they will tell you, they have told you, that these rights are prostrate at the feet of the General Government, and exist only at its mercy.

Was there ever a time when *Congress* was so weak? when the *Judiciary* was so weak? when the *Executive* was so strong—by any comparison so strong as now? Was there ever a time when the balance and just distribution of practical power was so utterly destroyed?

Let us not be deluded by names and theories; but like men, practical men, engaged in the affairs of a great nation, let us have the courage to look at the actual workings of this great machine of Government, and see results as they are coming upon us. Is it not true, in this republican country, where *one man* should be nothing, and the *community* every thing, that it has come to pass that the *community* is nothing, and *one man* is every thing? Do we not feel, and know, that the destinies of this nation are, at this moment, in the hands of a single individual? Is it not matter of boast, boasted of here, and that, too, by the gentleman from Virginia, [Mr. R.,] that a *single individual* has produced, and is carrying on, a revolution in our Government?—aye, sir, a *revolution*, in which the gentleman exultingly told us that the will and policy of the nation, as to internal improvements, had been resisted and defeated by *one man*!—in which the great system of American industry, built up and consolidated by the interests and feelings of a vast majority of the people, has been prostrated by the will of *one man*!—in which the Bank, strong as it was in its own energies and the unlimited confidence of the community, has been struck down by the same iron hand, and is crumbling into dust?—and, he might have added, in which the wishes and rights of a large majority of the States, and their citizens, as to the disposition of our vast national domain, have also been arrested, baffled, and defeated, by the same uncontrolled power of ONE MAN.

And yet the gentleman talks of democracy, and claims to be a republican! Do we not know that the policy, the systems, and the institutions which that single power has struck down, might, had it been his will, have been now standing and flourishing in the greatest vigor? Do we not feel that a *single individual* at this moment holds the institutions of our country in the hollow of his hand? that should he choose to lay it, in wrath, upon the navy of the United States, he would submerge it beneath the waves, leaving scarce a trace of its existence, save the reflection of its former glory? that even the judiciary would be palsied in his grasp? Who does not remember when some two years since, it was supposed that a judgment of the Supreme Court, in relation to the Cherokees, would conflict with his will, that the whole partisan press, and all the partisan corps, were rallying to a deadly assault upon that august tribunal and its venerable head?

How is it at this moment? Is not this whole nation becoming agonized in every fibre, at the tones of his single voice? He has spoken—and the currency—the life-blood of the country, is curdling in the veins of this whole republic. His breath is spreading blasting and mildew over this fair and happy land, shrouding its bright and beaming surface in darkness, gloom, and dismay.

Let us revert for a moment to the past. Has not the present Chief Magistrate made large encroachments upon the authority of the other co-ordinate branches, and unwarrantably increased and extended his own?

How has he used that tremendous instrument—the veto power—which was transplanted into our constitution from the prerogatives of the British King, but which the spirit of English liberty would not tolerate in modern times: and the monarch, who should dare to exert it there, as freely as does our republican President here, would, as we are well assured, hazard more than his throne?

The gentleman from Virginia, [Mr. RIVES,] in searching for precedents to justify its exercise by the present Chief Magistrate, was driven back more than one hundred and forty years for the *last* example in British history, to the reign of William III. who, he told us, was brought in by the whigs, and exerted his prerogative for popular rights. The gentleman has not been as felicitous as usual in his historical recollections. True it is, in the revolution of 1668, William was brought in by the friends of liberty. But how did he use the power thus generously conferred? The historian answers in these emphatic words:

“Success, which ever enlarges the noble mind, shrunk William’s to all the littleness of vulgar character. When raised to imperial dignity by the efforts of the whigs, for the generous purpose of enlarging and securing liberty, he abandoned his benefactors, and entered into dishonest intrigues with the tories, in order to increase the influence and extend the power of the crown.”

The gentleman spoke of a faction in the Lords; he did not explain himself; but if his remark had any significance, permit me to remind him, upon the authority of the same historian, the faction which existed in the Lords was a *tory faction*, with which William united himself to enlarge the prerogatives of the crown.

When the veto power was about to be incorporated into our constitution, it encountered strong opposition; it was distasteful to the American public. What was the argument urged to assuage their fears? We have it here in this book, the *Federalist*, in a number written by Alexander Hamilton, while the constitution was before the people for their adoption.

He told them that “A King of Great Britain, with all his train of sovereign attributes, and with all the influence he draws from a thousand sources, would, at this day, hesitate to put a negative upon the joint resolution of the Houses of Parliament.” And again—“If a magistrate so powerful and so well fortified as a British Monarch would have scruples about the exercise of the power under consideration, how much greater caution may be reasonably expected in a President of the United States, clothed for the short period of four years with the Executive authority of a Government wholly and purely republican?”

It was an *a fortiori* argument from the long disuse of this prerogative of the British crown. He said further, that the *primary* object in giving to the President the possibility of using this negative was self-preservation; to enable him to resist encroachments upon the Executive and preserve the just constitutional distribution of power.

The fears of the people were thus allayed, and upon these arguments the veto was given. How has it been used? During the first twenty years it was exercised, I believe, but once or twice: it had subsequently some unnoticed growth in the hands of Mr. Madison; but, by the present Chief Magistrate, in less than five years, it has been exercised more freely and on more important occasions than during the whole forty years of all his predecessors. Memory at once presents some of them; the Maysville road bill—the Wash-

ington turnpike bill—the light-house bill—the Louisville and Portland canal bill—the bank bill—the harbor bill—the land bill—and even the bill allowing interest to certain States upon moneys paid by them for the United States during the last war—a measure of justice which, with the approbation of the President, had been previously extended to South Carolina, but which he chose to negative, upon his own views of mere expediency, without pretence of constitutional objection; claiming and exercising the right to control and reject the measures of Congress upon any occasion, and for any cause, as his views of policy might dictate! And this is REPUBLICANISM!!! Sir, the *federal* doctrine of that ultra-federalist, Alexander Hamilton, as to this Executive prerogative, is, in comparison with the practice of this self-styled *democratic* administration, as milk and water to aquafortis. That which was intended to be the “extreme *medicine*” of the constitution, “has come to be its daily bread.”

But suppose Congress, notwithstanding the potency of Executive influence, should pass the land bill, or the improvement bills, by more than two-thirds of both branches, it would then become a law—so says the constitution—but so does not say Andrew Jackson. He has put forth a new prerogative, by which all laws are subject to his supervision. He is to support the constitution “*as he understands it.*” Constructions by his predecessors, constructions by Congress, constructions by the Judiciary, have, upon him, no binding obligation; and, if they do not quadrate with his constitutional notions, need not be carried into execution.

And this is not a naked theory. He has practised upon it, not only in the vetoes where the doctrine is embodied, but in his refusal to carry into effect solemn and sacred treaty stipulations—treaties which had been established as the supreme law by the constitution itself, and been recognised and enforced from the first moment of its adoption; treaties formed by every preceding President—Washington, Jefferson, Madison, Monroe, and both the Adamses—ratified by every Senate—confirmed in appropriations by every House of Representatives, and sanctioned by the continued acquiescence of the whole nation for forty years. He has practised upon it in refusing to execute the Indian intercourse act of 1802—approved by Mr. Jefferson, and enforced by him and all his successors.

Pause—contemplate the magnitude of this assumption. Our Government was designed to have three great co-ordinate branches; the Legislative to enact, the Judiciary to interpret, the Executive to enforce; and neither to trench upon the province of the other. But the President now sets himself up as supreme judge over both the other departments, to review their decrees, and rejudge their judgments. *We* may make solemn legislative enactments, and what can we do with them?—enter them on record in the Secretary’s office. The courts may pass their solemn judgments, and what further can they do?—record them in the office of their clerk. But both are as lifeless as the dead parchment upon which they are enrolled, unless the Executive shall impart vitality and energy by carrying them into action. But, by this new prerogative, he may leave the whole or any part to eternal silence and oblivion. He has only to say to his marshals, or other inferior officers, execute no law or process upon pain of instant removal, and it is done. The whole statute book is at his mercy. Sir, a *dispensing power* like this is denied to the British King by the very first article of the Bill of Rights of William and Mary; and Magna Charta, that nearest approach to a written constitution in England, is not and cannot be subjected to *royal in-*

terpretation. I say this upon the authority of a book now before me. Long and dire experience has there taught them that if a single Executive be permitted to give construction to laws and constitutions, to become the interpreter of his own powers—there will soon be no other powers in the kingdom, and no constitution but his will.

A King of England or France, who should at this day disregard the acts of the Legislature or the decrees of the Judiciary, would not only shake their thrones to their foundations, but might soon behold in their stead bloody scaffolds of Louis and of Charles! Shall a *republican* President have prerogative over both?

There is one new device for the extension of Presidential power, so anomalous and extraordinary, that it is difficult to classify or characterize it. It may, perhaps, be denominated the splitting veto, or partial dispensation; by which, as in the case of the Michigan road bill, in 1831, the President, when an act of Congress is presented, accompanies his approval with an explanatory message, (by way of rider,) limiting and restraining its meaning and import; thus, in effect, approving in part and vetoing in part; whereby a precedent is established, by which, should it have its natural growth, if an appropriation bill were to be accompanied with conditions and limitations, he might accept the agreeable portion which gave the money, and reject obnoxious restrictions upon its use.

Is it not true—disastrously true—that the same hand now grasps the *sword* and the *purse* of the nation? now controls the army, the navy, and the treasury? We are told that the President only determines *where* our treasure shall be kept, and *who* shall have the custody. He has *only* power, by his single will, of placing the whole or any part of the public moneys in the hands of any corporation, or any individual, or any number of individuals, at any time or any place, upon any condition that may suit his pleasure; that if a military expedition or other purpose were in contemplation, he might make the Paymaster General, the Commissary General, the Fourth Auditor, or any other officer, agent, or partisan, the depository of the public moneys!

Sir, the man who should abstract the contents of your pocket and put them into his own, would only change the place of deposite.

But the Senator from Virginia [Mr. RIVES] tells us there is no danger, because the President cannot raise money. Did the gentleman forget that permanent revenue laws already exist, that the streams now flow into the Treasury from a perennial source, to be intercepted only by new acts of legislation, which the veto power stands ready to suppress? But the President cannot raise money—so says the Senator from Virginia, so says the constitution;—Congress, and Congress only, is to lay imposts and “*borrow money.*” But within the last year, the Chief Magistrate, by one of his Departments, for which, as his friends all admit, he is responsible, whose acts are his acts, *has borrowed* FOUR HUNDRED THOUSAND DOLLARS! And if that sum may be borrowed for the Post Office, without law, why may not four millions be borrowed for the Treasury, or forty millions for the army?

The fathers of the constitution, well knowing that a single Executive had in all ages been dangerous to liberty, intended to erect around him a firm and impassable barrier in the Senate of the United States; and especially by the requisition of their concurrence in appointments to office.

But ingenuity has found means to evade and nullify this inconvenient re-

straint. The President may temporarily fill vacancies which *happen* in the recess, by commissions, to expire at the end of the next session.

Two implications have been found sufficient to accomplish the object. The President, by removal, may *cause* a vacancy to *happen* in the recess, which he may fill until the end of the next session of the Senate, and then the vacancy, which commences *with* the recess, is *construed* to be one *happening in it*, to be again filled by the President until the end of another session, when the same process may be repeated. Has this been done? I will not dwell upon the notorious case of Indian agents—nominated—rejected—and subsequently continued in the discharge of the same official functions! I will not pause upon the recall and appointment of foreign ministers. I proceed at once to the case of Samuel Gwin; who was appointed in the recess to a land office in Mississippi; nominated at the next session and rejected; renominated, that the Senate might *reconsider* their vote, which the Senate declined, and laid the nomination upon the table from a well known determination not to approve it. The session expired and—he was forthwith reappointed to the same office!! This precedent has but to be followed out, and the power of the Senate over appointments is annihilated. Suppose the present Secretary of the Treasury, I put the case only by way of illustration, who has been appointed in the recess, should be nominated and rejected; he will retain his first appointment until the session shall close, and then may be instantly reinstated and continued in office in defiance and contempt of the Senate!

It was once supposed that in the discharge of our high constitutional duties as advisers of the President, we were free agents, having the right to form and express opinions for ourselves. In this belief we some time since placed upon our own records, as a guide to our own conduct, an opinion in relation to appointments. We had the temerity to say, that, in our judgment, it is inexpedient that persons living in one State should be appointed to offices in another, without manifest necessity; and thereupon the President comes here by his message, and tells us that we have no right to express such an opinion! That it is unconstitutional!! He lectures the Senate upon its rights and duties, declaring that, until they shall reverse their judgment, he will make no more nominations to certain offices. The resolution was rescinded by the vote of seventeen members, late at night when twenty-six only were present.

But the action of the Senate is not now in accordance with Presidential will; and for this it is announced in the official organ that it is committing **SUICIDE**. We see and feel the fearful array that is attempting to accomplish the predicted destruction. The storm of calumny and violence is raging upon us, because, true to the purpose of our being, we have dared to resist Executive encroachment. We may be prostrated; but if we are, the best hopes of the human race will be extinguished. Liberty herself will perish in the fall. Her last shriek will echo from the ruins of the Senate.

But we are told, and it is constantly reiterated in our ears, that in all these assumptions and claims of prerogative, the President is sustained by the **PEOPLE**.

It is time that we come to an understanding—a full understanding upon this important matter. The **PEOPLE** are the fountain of all power; they are politically *omnipotent*. They can make and unmake constitutions at pleasure. But *they cannot have moral incompatibilities*. Omnipotent as they are, they cannot have *an elective monarchy and a constitutional republic at the same time*. Let it then be distinctly understood, that these two tremendous

powers, the Executive and the People, cannot meet, and in their coming together, crush the Legislature, the Judiciary, and the Senate between them, *and still leave a constitutional republic*. It was such a meeting that crushed the Senate and the liberties of ancient Rome, and placed the blood-stained Cæsar upon the throne. It was such a meeting that extinguished the legislative assembly, and annihilated the hopes of republican France, and elevated Bonaparte to imperial power. We have been admonished, warned, if not threatened here, in this debate, that if we bow not to Executive will, we shall be driven from this Hall by ruffian force, as Cromwell expelled the Rump Parliament!! Let us, then—let the PEOPLE then understand the catastrophe that is predicted. If it be their will to prostrate the constitution of their country, they can do it—they can do it. But, sir, it is not their deliberate will—no, *no*, NO.

The people love their constitution, their liberties, and themselves. They are always politically honest, for political honesty desires the greatest good of the greatest number; they are that greatest number, and must desire their own greatest good. But they are not infallible. I should be false to all history, false to human nature, false to holy writ, if I could so flatter the people as to tell them that they are exempt from that great besetting sin, a proneness to IDOLATRY. It is of the nature of man to worship the work of his own hands, to bow down to idols which they have set up. Feeble, fallible mortals like themselves are canonized and deified. And oftentimes a military chieftain, having wrought real or fancied deliverance by successful battles—fervent gratitude, unbounded admiration, the best feelings of our nature, rush towards him; the excited imagination invests him with a glorious halo, circling around him all the splendid perfections and dazzling attributes of heroes and patriots;—and then the strongest facts, the clearest evidence, and the most cogent reasoning, which expose his errors or ambition, excite only indignation and resentment towards their authors, as impious and sacrilegious revilers of the idol of their hearts. In the paroxysms of their devotion, they are ready at his shrine to sacrifice their rights, their liberties, their children, and themselves.

Such are the delusions which have placed the iron sceptre in the hands of the Cæsars and Bonapartes of past ages, and overwhelmed or jeopardized all the free Governments of the earth.

So strong is this proclivity of our species, that if there were to be a Government sent directly from Heaven, we may reverently fear that it would endanger its continuance. If there were to be, did I say? There has been: the theocracy of the Jews, whose history presents the most melancholy examples of this deadly sin. And is there not in this, our American Israel, which has been delivered from the house of bondage, guided through the wilderness, and is now in the land of promise—an *Idol Chief* to whom our incense and our homage is demanded? Thank Heaven, there is a remnant still unsubdued and undismayed; there are those, even here, who have not bowed, and will not bow the knee to Baal.

Sir, this delusion will vanish; the morning will dawn upon us; the people, the honest, the pure-minded people, will awake—awake as from a dream—and look back upon these scenes as on the troubled visions of the night.

The delusion will be dissipated. But are not the priests of party intent, while its influence may yet prevail, upon settling the succession and securing the continuance of the dynasty? And is it not apparent, that this is to be accomplished by means of an army, not of soldiers with swords and bayonets, but of partisans—organized, officered, and disciplined; with its legions

and cohorts; with its captains of hundreds and captains of fifties; its drill-sergeants and file leaders; where no private judgments, no individuality, is tolerated, but all are to move *en masse*, to march and countermarch, to wheel and change front at the word of command; where there is but one principle of action, one all-pervading sentiment—*devotion to the chief*?

This army must be subsisted—must be sustained, either by present pay or hopes of future spoils. The people's treasury, that great trust fund collected from all, to be dispensed for the benefit of all, is to be seized upon; and all the streams issuing from it in salaries, contracts, jobs, and agencies, are to be diverted to the use of the party. Public offices, instituted for the benefit of all, are declared to be legitimate spoils. In appointing the thousands of officers, whose names are in this book,* scattered throughout the country, drawing millions annually from the pockets of the people, what is the test and criterion of merit? Not what he has done for the *country*; but what he has done for *me*? Not, will he be useful to the *public*; but will he be useful to *us*? Not, will he be faithful to the *constitution*; but will he be faithful to the *party*?

Since the political victory of 1828, the vultures have been screaming over the battle field, and “even the cries of the widows and the orphan” could not scare them from their prey. A spirit of proscription, for opinion's sake, scarcely paralleled in the annals of free Governments, has swept in terror over the land, prostrating the purest and the best, breaking down the independent, bending the feeble, and leaving the timid, like trembling slaves, to eat their bread in fear. Veteran soldiers of the revolution have been sacrificed for daring to exercise the freedom for which they fought! Officers of the late war, republicans of '98, patriots at all times, have been punished for daring, in a republican country, to breathe the language of freemen!

Where is *Melville*, the last of that gallant band, who, with the courage of Daniel of old, dared first to beard the British lion? That band who entered the British ships in the harbor of Boston, and cast the obnoxious tea upon the waters? MELVILLE—who served in the army of the revolution, and, through all periods, was a pure patriot and undeviating republican? He held an humble office, conferred upon him by Washington, which, in a green old age, he was daily discharging with delight to himself and to the gratification of others; which he cherished, which was dear to his heart as the pledge of his country's gratitude; it was rudely wrested from him; he was thrust from the public service to make place for a partisan successor!—Where is HARRISON—the republican soldier of Tippacanoë? COOK—the friend and compatriot of Washington? GERRY—the son of that early and revered patriot of the revolution, who once, as the second officer in the Government, filled the chair which you now occupy, and whose dust reposes in the cemetery within our view? When that fervent friend of liberty, at the formation of the constitution, and in the debate of '89, raised his prophetic warnings and solemn protestations against the enlargement of Executive power, and especially this control over public officers—little—little could he have imagined that *his own widowed wife and fatherless children* were so soon to feel its withering grasp. His death left his family penniless. An office in the customs was bestowed upon the son by President Monroe, with the tacit understanding that the income should be devoted to the support of his mother and sisters. It was performed with scrupulous fidelity until he was no longer permitted to continue that sacred office of filial and fraternal ministration. He was superseded by an accepted partisan!

* The Blue Book.

Where is FILLBROWN, also the son of a soldier of the revolution, a fearless and undeviating republican, whose only offence was, that, in 1824, and 1828, being an elector of President and Vice President, he did *not* give his vote for the present incumbent? The sin of the father was visited upon the son, who held a subordinate office here, upon which his family depended for subsistence, and whose duties he had discharged with devoted ability. He was ignominiously driven from it, branded with the foul charge of peculation; and, that his detection might be trumpeted as one of the achievements of reform, was daily held on high to the scorn and detestation of the public, pierced with ten thousand arrows of calumny. Humble and powerless, he had no refuge but a jury of his country. To that tribunal he appealed, and their verdict not only repelled the foul aspersions upon his name, but declared that the Government actually owed him some hundreds of dollars at the moment of his removal.

The gentleman from South Carolina [Mr. PRESTON] asked why did not the President go to a jury against the Bank? Send the President to the tribunals! He went there with Fillebrown, and again in the case of Nourse, again to find his charge of peculation repelled, and stamped with reprobation as unfounded and unjust. Go to the tribunals with the recollection of the case of Watkins still uneffaced! Watkins, who, having expiated his offences, great as they were, by suffering the sentence of the law, as a criminal, was subsequently confined in close jail for years merely for debt due to the Government; during which time a youthful son, in holy ministrations to the loneliness of the father, in the gloom and vapors of a prison, withered, sunk, and *died*;—but no beam of hope radiated from Executive mercy! He remained incarcerated until the highest judicial tribunal pronounced the imprisonment *illegal*. The captive was set free; but ere he had passed yonder gates, before he had reached the expecting arms of his trembling wife, he was again seized, and, by an *illegal* process from unsated power, recommitted to the same prison!!—From which he was again delivered by a judicial tribunal. And Randolph, too, still more recently arrested and consigned to prison by an *illegal* Executive warrant, was liberated by the judiciary, set free by the concurring decisions of a Barbour and a Marshall—MARSHALL—a name which will be venerated and admired so long as there shall be a votary of liberty and intellect upon earth. And with this new decree still tingling in his ears, ask the President to go to the tribunals against the Bank! No—no. He must have a shorter and a surer road to his object.

Pardon me this unexpected digression. I recur to the subject of removals. I ask the Senate to recollect how this power has grown up. Its history is one of the most instructive lessons of the progress of prerogative. It is nowhere found among the express grants of the constitution; and when that instrument was proposed to the people, they were told, *ex cathedra*, by the highest authority—the numbers of the Federalist—that it would not be possessed by the President alone; that as appointments could be made only with the approbation of the Senate, the *same concurrence* would be necessary to effect a removal. The constitution was thereupon adopted. In the Congress first held under it came on the celebrated debate of 1789, in which, by the aid of implication, it was decided by the casting vote of the elder ADAMS, then Vice President of the United States, that the power belonged to the President alone. This claim was, at one time, feebly attempted to be sustained as belonging *necessarily* to the Chief Executive; but the doctrine, now so prevalent, that we are to go abroad to foreign writers for definitions of

Executive power, and then confer all upon the First Magistrate that is not expressly forbidden him, had not then found favor. It was then known that the Executive power, mentioned in the constitution, was that which is *therein* defined and conferred. And the only clause from which it was at last contended that such a right of removal could be extracted was that which requires the President "*to see the laws faithfully executed;*" and for that end, and that alone, was it contended that it could ever be legitimately exercised.

That debate should be read and pondered well by every lover of freedom. The warning voices of GERRY, White, and Sherman, were raised in vain. They declared, to use the language of the American Tacitus, that "in the power over all the Executive offices, proposed to be conferred on the President, the most alarming dangers to liberty were perceived. It was in the nature of monarchial prerogative, and would convert them into the mere tools and creatures of his will. A dependence so servile on one individual, would deter men of high and honorable minds from engaging in the public service; and if, contrary to expectation, such men should be brought into office, they would be reduced to the necessity of sacrificing every principle of independence to the will of the Chief Magistrate, or of exposing themselves to the disgrace of being removed from office."

On the other side were Ames and Sedgwick, Vining and Madison, by whom, in the language of the same high authority, "the danger that a President could ever be found who would remove good men from office was treated as imaginary." Yes, sir, the predictions that this prerogative would ever be exerted for party purposes, to gratify individual feelings or personal views, were treated as the chimeras of a gloomy imagination. Mr. MADISON, the amiable, unsuspecting MADISON, declared "that the wanton removal of meritorious officers (by the President) would subject him to impeachment." "Such abuse of power *exceeds my conception.*" * * * "My imagination cannot extend to it on any rational principle;" and Mr. Vining declared that, if the President remove a valuable officer, it would be an *act of tyranny*.

And has it not come upon us? Are not the dark chimeras of 1789 the dread realities of 1833? Are they not here among us, around us, and upon us, seen and heard and felt in terror and oppression? The gentleman from Georgia [Mr. FORSYTH] told us not to be moved by apprehensions now, because those who were alarmed at Executive prerogative, in the early days of the republic, subsequently acknowledged that their fears had not been verified. But if those great and good men, who now sleep with their fathers, had survived to the present day, could they now make the same admission? Would they not declare that the shadows of their most gloomy predictions and darkest forebodings were closing around us in the process of actual realization?

In 1789, this power of removal was, by constructive implication, conceded to the President. How has it been exercised? For the whole period of forty years, which preceded this administration, the removal of civil officers, so far as can be ascertained by the public records, amounted to *seventy-three only*—less than an average of two per annum. During the twelve years of the administration of Washington and the first of Adams's, there were *twenty-two* removals—all, no doubt, with exclusive reference to the faithful execution of the law.

Mr. Jefferson's administration, so far from furnishing an example under which the present can find refuge, is, in truth, in contrast and condemnation of it. Upon his accession, he found all the public offices, almost without ex-

ception, in possession of his political opponents. Some of them, especially marshals and attorneys, had rendered themselves odious to the people, by uncalled-for zeal in enforcing the obnoxious sedition law. Others, as in the case to which the celebrated New Haven letter refers, had been commissioned in the last moments of his predecessor, thus depriving him of the appointment. The present incumbent found nearly all the public offices in the hands of his friends. Some became so doubtless from principle, others from calculating selfishness; secure in their places from the forbearance and uprightness of Mr. Adams, it was politic to propitiate his opponent by early adhesions. Such men have continued to be safe. There had been no enforcement of odious laws; and instead of appointments, on the eve of his accession, in anticipation of his rights, the Executive action had been for months preceding suspended; and, upon the day of his inauguration there were more offices vacant, the filling of which had been postponed for the purpose of conferring patronage on him, than the whole number of removals by Mr. Jefferson in his eight years. What was that whole number, as exhibited by the records? *Thirty-six* only, less than five per annum; some for the causes already specified, others for known incompetency or misconduct. Mr. Madison, in eight years, removed *five* civil officers; Mr. Monroe, *nine*; and Mr. Adams—the reviled John Quincy Adams—in four years, made *two* removals; making the whole number of removals of civil officers, from the adoption of the constitution to the 9th of March, 1829, but *seventy-three*. And within *one year* next following, being the first of this administration, there were at least one hundred and ninety-six, if not more than *two hundred* expulsions—double, nearly three times as many, as during the whole forty years of all his predecessors! And this, too, exclusive of *four hundred and ninety* removals of postmasters, to which are to be added hundreds of inspectors, clerks, deputy collectors, deputy marshals, secretaries, and other subordinates, swelling the number, doubtless, from *fifteen hundred to two thousand in a single year*! Nor did the work of proscription stop there; it went on, ever demanding new victims, and is, even now, unsated and unstayed.

This is the promised REFORM, and thus has the partisan *army* been recruited, subsisted, and sustained.

There was yet another promise—RETRENCHMENT.—RETRENCHMENT was the war cry. The extravagance, nay, the abandoned profligacy of Mr. Adams's administration could no longer be endured; and the people were invoked to rise in their majesty to put it down, and transfer their treasure to other hands to save themselves from its corruption and enormous expenditures. It was done. And what is the result? Compare the expenditures in the two last years of the former and present administrations, exclusive of payments to the public debt.

	A. D.	
☞ By Adams,	{ 1827,	\$13,062,316
	{ 1828,	12,653,096
☞ By Jackson,	{ 1832,	16,516,389
	{ 1833,	22,086,064

Making a difference of nearly *thirteen millions* in the aggregate of the respective terms of two years. In addition to which, it is to be borne in mind, that during the former, the system of internal improvements for the public good, consumed large sums, from which the present administration has exempted itself by the use of the *veto*. If this be deducted, the expenditure, exclusive of the public debt, during the last year of General Jackson's ad-

ministration, will have been about *double* that of the last year of Mr. Adams's—the extravagant, profligate, and prostrated administration of Mr. Adams. And in addition to all this, the Post Office Department, which was left by the able and virtuous McLEAN, in vigorous strength and credit, is now feeble, insolvent, and deranged; is largely in arrears to contractors; has borrowed *four hundred thousand dollars*; and is presumed to owe at least a *MILLION!!*

We are told that money is the dynasty of modern States. Money will obtain partisans, and partisans will obtain money. Has not the progress of both kept even pace? *The army must be recruited*; the party sustained; new hopes inspired; new stimulants applied. Two great resources—the *PUBLIC LANDS* and the *BANKING CAPITAL*—still remain: the former peculiarly convenient for certain western and interior States; the latter for a still greater number of the middle, northern, and Atlantic. And the South—the *SOUTH* must be content with the *IDOL* which they have set up, or live upon abstractions—the past visions of theoretical reform and retrenchment, or new expositions of proclamations. The land bill would have disposed of the proceeds of our immense and magnificent national domain, by a distribution so just and equitable, that it could never have been disturbed; and thus, like the tariff by the compromise bill, it would have been taken from the capital of speculating politicians; it could no longer have been made an element in political combinations.

The land bill was vetoed as unconstitutional, with an Executive recommendation that the price should be immediately reduced, and the whole eventually given to the States where they lie. It was unconstitutional for Congress to divide them among *all*, but perfectly constitutional, under Executive lead, to bestow them upon a *part*! It was vetoed, because, as the message informed us, the lands were a common fund to be disposed of for the benefit of *all* the States; and yet the President would devise means of making them gratuitous donations to a *few* only. The *old* States, by whose blood and treasure they were acquired, could not even participate in the distribution; but the *new*, which had no existence at the time of their acquisition, might swallow up the whole with Executive approbation!

The *BANKING CAPITAL*.—Before proceeding to more recent events, let us pause upon a few reminiscences. When this administration came into power, it was announced that it would “reward its friends and punish its enemies”—a system of *reform*—that is, of coercion or expulsion, would be vigorously enforced.

The several Executive Departments were at once organized upon this system. The Post Office alone stood aloof—John McLean was at its head. He would not become the instrument of proscription. He was too strong to be broken down, and therefore, against his wishes, was reluctantly transferred to the elevated station which he now so honorably sustains. A successor was found who had no such scruples, whose fraternization was complete; and the whole Department was at once brought to act efficiently in the harsh and discordant system.

The Bank of the United States presented the next obstacle. The President and a majority of the Directors were not removable at the pleasure of the Chief Magistrate; but it was hoped that the influence of the Treasury would be sufficient to mould them to its purposes. The attempt was first made through the Secretary of the Treasury to remove the President of a remote branch, the easternmost, save one, because of his *political* opinions and associations. Mr. BIDDLE did not acquiesce. He informed the Secretary

that the Bank had *never interfered with politics*; that it was the friend of all administrations; *the political instrument of none*. The attempt was baffled. And in the next annual message of the Chief Magistrate, the Bank itself was for the first time denounced, and a new one, *founded upon the revenues of the Government*—which means a Treasury Bank—under the control of that Department, was recommended. This new project was unequivocally condemned by the Committee of Ways and Means in an able and elaborate report, and found no favor in either House of Congress. Its adoption by the Legislature was therefore hopeless. The object, however, was not abandoned by the Executive, but a new mode was sought for its accomplishment, by the transfer of the deposits—in other words, the removal of the Bank from its fiscal agency, and the appointment of others under the control of the Treasury. But the only ground upon which it was even then suggested that such removal could be justified, was the *insecurity* of the public moneys. The President, therefore, in a message to Congress, assailed the Bank as *unsafe*—*unsafe*, repeats the Secretary of the Treasury—*unsafe*, re-echoed a distinguished member in the House—*unsafe*, thundered another, on the floor of the Senate. But members could not be made to believe what was palpably unfounded; and the resolution of insecurity was rejected in the House by a vote of one hundred and nine to forty-six.

The purpose of the Executive remained unchanged.

The action of Congress, which seems before to have been necessary, could then be dispensed with. Nay, the opinion of the House, which had been courted, was instantly contemned. The vote passed on Saturday, and on the Monday following the *official organ* assailed it with the accusation of being under the influence of the Bank, and endeavoring “to control the appropriate action of the Treasury Department.”

Congress being thus refractory, the object must be accomplished by the President alone. “*I TAKE THE RESPONSIBILITY*” followed.

Mr. McLane could see no justifiable grounds—he was transferred to another Department. His successor was equally unbelieving and more uncompromising; he was struck down, and the Executive power strode over him to the Treasury. It was accomplished! A new fiscal agency was established, by league banks, under the control of the Treasury. *The system of reform was complete*. It was done in contempt of Congress, sixty days only before its annual meeting. The President, with military boldness, throws himself in advance; and his friends now mock us with declarations that the Legislature may act upon the subject, when it is known that his tremendous veto stands ready to paralyze every effort for restoration. It was accomplished by the power of removal, conferred, by implication, for the sole purpose of seeing the laws faithfully executed. This was the extent even of the federal doctrine in 1789. What *law* was to be executed requiring the expulsion of Mr. Duane? None—none! The law left it to *his* fiscal discretion, and when *his* judgment was exercised the law was executed. But we are told that Congress cannot, by law, vest a discretion which the President may not control. That he has a right, as the Senator from Georgia says, to go into the Auditor’s or Comptroller’s apartment, and say, allow this account and reject that, upon pain of instant dismissal; and, of consequence, may go to the commissioners now sitting under the French treaty, order them to admit one claim or reject another; and, if they hesitate, expel them and appoint subservient tools in their stead! All, all, over whom the removing prerogative can be stretched, are merged in a single Executive

will. When the judges of England held their offices at the pleasure of the King, he was not permitted, as is well known, to go to the bench and dictate their decisions. Can a doctrine *too arbitrary for the British monarchy* take root in the soil, and flourish in the air, of *this free republic*?

The Senator from Georgia informed us that in an opinion delivered by the Chief Justice of the United States, it was declared that the charter of the Bank had been violated. But he could not recollect where it was to be found. No wonder—

“For it requireth optics keen,
“To see what is not to be seen;”

and it must be a good memory that recollects a fact that never existed. If the gentleman had reference to the dissentient opinion of the Chief Justice in the case of the Bank *vs.* Dandridge, he will find no such declaration.

But to return. When that important fiscal discretion was vested in the *Secretary*, was any other officer in contemplation than one of some permanency, and of financial experience and ability, who had passed *the ordeal of the Senate*? Was it ever imagined that it was to be exercised by a three days' Secretary, a mere *locum tenens*, brought in during the recess of the Senate, by setting aside and trampling down his more experienced predecessors? Had they ever beheld the pageant of flitting Secretaries passing before their eyes like the phantasmagoria of a magic lantern? Would Congress, would this body, ever have conferred this power upon any officer not expected to be appointed with the concurrence of the Senate? Has there ever been a Secretary who has passed the Senate that would have given the order for the removal? Has there ever been a time when any one could have been confirmed, if it were known that he would give such an order? Yet the people were told, and verily believed, when they adopted this constitution, the concurrence of the Senate in appointments was to be a safe *practical* barrier against the will of a single Executive; that *accidental* vacancies only could be filled in the recess, and that temporarily only, for purposes too imminent to bear delay.

As the order was *in form*, that of the Secretary, he must give his reasons upon compulsion; and that, too, where reasons were *not* “as plenty as blackberries.” The first *financial* officer removed the great *financial* agent of the Government, and appointed another in his stead, and yet his means are not *financial*! As a *fiscal measure* it seems to be conceded to be utterly indefensible. It depresses the stock of a bank in which we own \$7,000,000, to elevate that of which we own nothing. It removes our money from a bank which paid us one-fifth of the interest received upon it, to those who pay us nothing—from one where it was unquestionably safe, to those of at least doubtful security—from where it was ready at any instant for our use, to those who require undefined reasonable notice—from one bound by law, to those only under Executive contract of doubtful validity. It is, in effect, a run upon our own Treasury; and changes a currency more sound and uniform than ever before existed in a country of equal extent, to one unsound, fluctuating, and deranged, producing general distress and dismay.

But it is contended that an arbitrary and unlimited discretion was vested in the Secretary. Precedents have been cited. That of Mr. Crawford has already been commented upon by those who have preceded me. Some others, new and extraordinary, have been presented by the Senator from Georgia, [Mr. FORSYTH.] The first is a resolution offered in the House of Representatives, in 1817, never acted upon, and carrying with it no other authority

than the unsupported opinion of the *mover*, which was—the *honorable gentleman himself*. What was the resolution? That the Secretary of the Treasury be directed to withdraw the deposits; *directed*, not by the President, but by *Congress*. How this tends to show unlimited power in the Secretary, to the exclusion of Congress, is not easily perceived. The second, was a resolution offered in the House, by Mr. Spencer, of New York, but never acted upon. By this, too, the Secretary was *ordered* to withdraw the deposits upon certain conditions or contingencies. And this, a mere proposition to give a peremptory order by a superior, is cited to maintain the claim of the subordinate Secretary to unlimited and exclusive power. [Mr. FORSYTH explained. He had not adduced these precedents to show that Congress had no power, but that the Secretary had. He thought that Congress also possessed the power of removal, and, so far, differed from the Secretary. He added, that he then held in his hand the opinion of the Chief Justice, to which he had referred, which he had stated to be a dissentient opinion, and in which he understood the Chief Justice to say that the charter had been violated.] Mr. S. resumed: That is the gentleman's inference; it is not so expressed, and, as I think, is not justly inferred. And if it were, a dissentient opinion would not be a very good index of the views of the tribunal.

I recur to the resolutions. If they were not cited to cover the doctrine of the Secretary, they are of no significance in this discussion. But, taking the gentleman's explanation, how does an order by Congress to an executive officer to perform a specified service prove, or tend to prove, that such officer would have authority without such order? Is not the more reasonable inference the exact contrary? Do we not almost every day command, by law or resolution, the performance of acts which would otherwise be wholly unauthorized and illegal?

The third was that which the Senator introduced, with such peculiar emphasis: it is an extract from Mr. McDuffie's report, in 1830, in which he says that the Secretary of the Treasury, with the sanction of Congress, has the power of removing the deposits for various reasons. *With the sanction of Congress!* And yet it is now contended that no such sanction is necessary; that the Secretary's power is sole and exclusive—absolute and uncontrollable.

I pass briefly to the *reasons* which the Secretary has assigned, not intending to repeat remarks which may have already been presented by others. That which is put forward as the first, and seems to be most relied upon is, that the Bank charter will expire in March, 1836;—it should have been added, having two years thereafter to wind up its concerns. This, the Secretary declares, would of itself be abundant cause even for an earlier removal. Let us consider of this for a moment. Congress creates a fiscal agent, providing for its continuance until 1836; *and that of itself*, it is said, constitutes a reason for dismissing it in 1833!! I say, created a fiscal agent. That was the only end and object. There was no power to grant the charter for any other purpose. None was even pretended. It was only as a *means* necessary and convenient to the Government to carry into effect the express powers of raising and disbursing revenue, and regulating the currency. This agency was its essence, its soul, its animating principle, without which it could have neither life nor being. All its faculties were imparted as subsidiary only to this—as the mere machinery necessary to this sole purpose of its creation. Could Congress then—could the National Legislature have provided that the agency should cease in 1833, and yet the Bank continue, for all other purposes, for years afterwards? Could they thus continue or establish it, for an indefinite term of years, as a mere *commercial bank*? The

boldest advocates of latitudinarian constructions never advanced such an extravagant claim of power. And yet the Secretary of the Treasury assumes, under a power delegated by Congress, to effect that which Congress itself had no power to accomplish or authorize to be done—to divorce the Bank from the Government—to dismiss it from its agency, and yet continue its being for all other purposes—to establish a *mere commercial bank*.

In support of this first proposition, the Secretary assigns two subordinate reasons by way of argument. First, that a *sudden removal* would produce great public mischief, and it ought not to be left, therefore, till near the termination of the charter. It is to be recollected that the length of time contemplated by Congress for that operation was two years, that being the period expressly prescribed for closing its business after the expiration of the charter. The Secretary instantly intercepts all future deposits, threatens the immediate withdrawal of the whole, and actually takes from the vaults all, excepting a small fraction, within the short period of *four months*; and yet tells us that *two years*, six times as long, would be too short, and assigns that as a reason for his speedy action!

The second subordinate proposition is, that when the charter shall be near its close the Bank must be curtailing its discounts, and it would be distressing to call at *such* a time for the public moneys; and yet, during the months of August, September, and October, the Bank was rapidly curtailing its loans, and this was known to the Secretary *at the moment he gave his sudden order*. He tells us so himself, and that it stimulated him to instant action; that he could not even wait till the meeting of Congress!

The next general reason is, that the “public directors” have not been placed upon the committees and called into the active management of business so much as they ought. Without conceding the fact, (which has been discussed by others,) what is the remedy?—the substitution of banks in which we have no “public directors!”

Next comes the case of the French bill. The Secretary of the Treasury drew on the Government of France for about \$900,000. The Bank offered to collect it as agent. This was declined. The Secretary insisted upon selling the bill. The Bank consented, became the purchaser, and *paid for it to the Government*. Upon its transmission to France it was protested, taken up for the honor of the purchaser, and, upon its return, the Bank *asked* the Government to pay the amount of the bill, and the usual damages in cases of protest; the same which the Government has itself invariably claimed of individuals, and actually received of some who were stockholders in the Bank. The damages had become a part of the debt, as much so as the principal; they were the property of the stockholders; the directors had no right to relinquish or give them away; and yet, because they merely and simply asked for payment, it is an offence—a crime—to be visited with this enormous punishment. What if the Bank had offered to relinquish this part of the debt, should we not then have heard that it was attempting to purchase the favor of the Secretary? to bribe him by \$150,000 of the money of the stockholders? Would it not have been imputed as a crime of much deeper dye? But what is the remedy?—substitute other banks, who need all their resources so much for their own exigencies that they will never be able to accommodate the Government by purchasing so large a bill; or, if they should, may, in perfect consistency with their contracts, and would be bound in duty to make the same claim for damages.

The last general reason assigned is, that the Bank has interfered in politics—in *politics!* That is *now* the accusation: when its primary offence, its highest crime, in truth, is, that it *would not* interfere in politics; it could *not* be made a political instrument; it would *not* come into the SYSTEM OF REFORM. Thence its destruction was decreed. Presidential denunciation followed—was reiterated; and, because it has dared, in a free country, to use a free press in self-defence; because, seeing the dagger aimed at its life, it has dared to raise a hand to turn aside the blow, the President exclaims—for, as LOUIS, of France, said, “I am the State,” we have arrived at that period when ONE MAN may say—“I am the Government.” It is assailing the Government, it is dangerous to the *Government*, it will overthrow the GOVERNMENT.

The fiscal agent appointed by Congress has interfered in politics: and what is the remedy? Send out the *Fourth Auditor* to select others to be under the sole control of the officers of the Treasury; whose very existence is political; who live, and move, and have their being in politics! Nay, when it is *avowed* by the Fourth Auditor himself, that political considerations enter into these new selections! Does he not say to his correspondent that “on account of your devotion to the cause I had so much at heart, I was anxious that the —— bank should be employed by the Treasury Department?” Has not the President of one of the affiliated banks been already in the arena? And now this removal of the public moneys—a movement, political in its conception and consummation, not merely tinctured, but saturated with politics—is to be justified on the ground that the Bank had become political!

The Secretary, near the close of his report, very justly remarks, that it is a fundamental principle, that *power ought not to accumulate in the hands of the same person*. Do we not see this fundamental principle now practically subverted? Is not the distribution, the balance of the powers of this Government, destroyed? Are they not all rushing to *one great vortex*, converging to *one focus*, all—all melting down in the burning centre of a SINGLE EXECUTIVE?

I may be deemed an alarmist. *There is cause for alarm*. When ONE MAN, encroaching upon Congress, the Senate, and the judiciary, arrests and rolls back the course of legislation—interprets laws, treaties, and constitutions—assumes the sole power of appointment—holding at the same time absolute control over the army, the navy, the post-office, an affiliated press, and the whole swarm of Executive officers—and now, superadded to all, this tremendous money power, the fiscal agency engrafted upon banking capital—can liberty be safe? *Safe*—when a *boa constrictor* is closing around her his crawling and crushing folds!

There is cause for alarm. If this appalling accumulation of power may be acquired in the time of profound peace, what may not be accomplished in the exigencies of war—war, which the Executive Chief can at any moment create? He has but to order the army across the lines to take possession of a foreign territory; or the commander of a single ship to insult a foreign flag; or resort to any of the well known expedients of past ages, to provoke hostilities, and it is done. Congress, indeed, may not declare it—but other nations will make war upon us, and no treaty can be formed but by the President; and if he shall grasp further power to meet the emergencies which he himself has created, will you impeach him? Impeach your chief, *flagrante bello*, when a strong Executive may be essential to self-preservation?

I confess I do feel alarmed. And, if my strength bore any proportion to the depth and sincerity of my convictions, I would raise my voice till it passed every hill, filled every valley, and was echoed back from every cottage on our remotest borders. I would say to the people, the **STRONG MAN** of the land—awake from your false security—sleep no longer in the lap of your Delilah; you will be shorn of your strength, and bound in fetters, your eyes sealed up from the light of Heaven—and be made to grind in the mill for lords and masters—until, in blindness and in rage, you shall lay hold of the pillars of the fabric that sustains them, and bury yourself and your oppressors in undistinguished ruin. The progress of Executive power and prerogative must be arrested—*it must be arrested*. And if it be not done now in this generation, by the peaceable means of constitutional resistance, it will be hereafter by the convulsive throes of posterity—**CONVULSIONS WHICH WILL BAPTISE OUR CHILDREN IN THEIR OWN BLOOD!**

